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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,619	08/07/1999	MICHAEL DAVID ERLANGER	114459-05-E3-LL	8285
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EXAMINER COLBERT, ELLA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/370,619

Applicant(s)

ERLANGER, MICHAEL DAVID

Examiner

Ella Colbert

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) 304-306 and 310-312 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 187-200, 202, 205-209, 211, 213, 214, 216-238, 240-251, 299, 300, and 307-309 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Final Drawing (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 187-200,202,205-209,211,213,214,216-238,240-251,299,300 and 304-312.

DETAILED ACTION

1. Claims 187-200, 202, 205-209, 211, 213, 214, 216-238, 240-251, 299, 300, and 304-312 are pending. Group I, Claims 187-200, 202, 205-209, 211, 213, 314, 216-238, 240-251, 299, 300 and 307-309 were elected with traverse in Response to the Election/Restriction filed 12/18/07. Claims 187-200, 202, 205-209, 211, 213, 314, 216-238, 240-251, 299, 300 and 307-309 will be examined on the merits. Claims 304-306 and 310-312 were withdrawn from consideration. Response to Applicant's Argument with traverse will be responded to in the section of this Office Action entitled "Answer to Arguments with Traverse".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 187, 225, and 241 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 187, does not "generate a pricing schedule". Infact, nothing is being generated. Outputting a pricing schedule" is interpreted as putting the output to a user which can be done in a corporate environment and encompasses every way outputting can be performed. This is indefinite because nothing is provided as to how the outputting step will be carried out. Further, nothing is being done with the fees in the claim limitations.

Claims 225 and 241 have a similar problem with pricing schedule.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 187-200, 202, 205-209, 211, 213, 214, 216-238, 240-251, 299, 300, and 307-309 of the claimed invention is directed to non-statutory subject matter. The invention of claims 187, 213, 225, and 241 are found to be an abstract idea, and as such is a judicial exception to the statutory categories. An abstract idea, is only statutory if it either physically transforms an article or physical object to a different state or thing, or produces a useful, concrete and tangible result. If a claim is not directed to an article or physical object, then a relevant test for eligibility is whether the claimed invention as a whole is limited to a useful, concrete and tangible result.

Useful- must be specific, substantial and credible and specifically recited in the claim. If the claim is broad enough to not require a practical application, it must be rejected.

Tangible- must be some "real-world" result, not abstract.

Concrete - must have a result that can be substantially repeatable or the process must substantially produce the same result again. Claim 187 does not produce tangible results, but merely providing services. These provided services might remain entirely inside the mind of the person doing the providing. These results are not tangible, thus not eligible subject matter, thus are rejected.

Similarly outputting a pricing schedule does not produce a real-world result unless further action is taken. Fees payable also fails to produce a real world-result without further action. Furthermore, Claims 187-200, 202, 205-209, 211, 213, 214, 216-238, 240-251, 299, 300, and 307-309 do not necessarily affect the physical world. They lack a tangible and concrete result, and are rejected as non-statutory subject matter.

As to the useful requirement, the invention is not limited to a specific, substantial and credible utility in the claim. There is no utility recited within the claim. The presence of outputting and providing computerized intermediation services is not a utility by itself because no useful result is specified for those operations. The claim is broad enough to include non-practical applications, such as outputting a pricing schedule which is routine use of a computer. The dependent claims do not remedy the lack of specifically recited utility.

As to the tangible requirement, the result of the claimed invention is a pricing schedule. The pricing schedule is not tied to a real-world meaning such as a list of prices for services or products. This result is abstract and not tangible, because the pricing schedule could mean that it is for anything.

The Court of Appeals for the Federal Circuit issued opinions in *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) and *AT & T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999). These decisions explained that, to be eligible for patent protection, the claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601 d2. To satisfy section 101 requirements, the claim must be for a practical application of the 101 judicial exception, which can be identified in various ways: (a) The claimed invention "transforms" an article or physical object to a different state or thing. (b) The claimed invention otherwise produces a useful, concrete and tangible result, based on the factors discussed below.

The USPTO's official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible. See MPEP § 2107. It is not clear as to what is the utility of at least one parameter relating to a banking transaction because there is no assurance that this will result in the performance of the pricing schedule being output and fees paid and fees payable.

The tangible requirement does require that the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result. *Benson*, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial practical application"). It is not clear as to what tangible result is produced by implementing the steps of the claim especially since there is no guarantee that implementing the steps of the claims will result in the pricing schedule being output and how it is going to be output and fees paid and fees payable.

For an invention to produce a "concrete" result, the process must have a result that can be substantially repeatable or the process must substantially produce the same result again. In *re Swartz*, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000) (where asserted result produced by the claimed invention is "irreproducible" the claim should be rejected under section 101). The opposite of "concrete" is unrepeatable or unpredictable.

There is no useful, concrete and tangible result produced from implementing the steps of the claimed invention. The dependent claims are rejected for the same reason and by way of dependency on a rejected independent claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 187, 188, 213, 241, 243, 245, are rejected under 35 U.S.C. 102(e) as being anticipated by (US 5,966,700) Gould et al, hereafter Gould.

The claims have been rejected according to the best that they can be understood.

Claims 187, 213, 241, 243, 245. Gould teaches, A method for performance by a provider of intermediation services, comprising the steps of: outputting a pricing schedule for intermediations services, the schedule providing credits for transaction fees paid by a party for intermediation of transactions in a first sector for redemption against fees payable by the party for intermediation of transactions in a second sector, the first and second sectors respectively being origination and secondary trading of products of a class of financial products in which transactions for the products occur among market participants in the first sector, distinctly, and second sector, distinctly (col. 5, line 20-col. 6, line 43, Fig's 7A-7C, and 8A); and providing computerized intermediation services according to the pricing schedule for transactions in each of the

sectors (col. 7, lines 11-49). The schedule providing credits for transaction fees paid by a party for intermediation of transactions in a first sector for redemption against fees payable by the party for intermediation of transactions in a second sector, the first and second sectors respectively being origination and secondary trading of products of a class of financial products in which transactions for the products occur among market participants in the first sector, distinctly, and second sector, distinctly; and providing computerized intermediation services according to the pricing schedule for transactions in each of the sectors are not functionally related to the performance of the method step. Thus, the descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Claim 213. Gould further teaches, a data processing system including hardware and one or more programs to provide intermediation data processing functions; said data processing system including one or more routines that record credits for transaction fees paid by a party for intermediation of transactions in a first sector for redemption against fees payable by the party for intermediation of transactions in a second sector, the first and second sectors respectively being origination and secondary trading of products of a class of financial products in which transactions for the products occur among market participants in the first sector, distinctly and second sector distinctly (col. 4, lines 46-64). Thus, the descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703

F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Claim 241. Gould further teaches, a data processing system having at least one computer programmed to provide intermediation data processing for transactions in a class of financial products in distinct first and second sectors, the first and second sectors respectively being origination and secondary trading of products of the class among market participants and to provide access to information to parties conducting transactions in the second sector and to record charges for the access, some of the information being captured in providing intermediation services in the first sector and offered under a prearranged pricing schedule providing price reductions for the information as fees increase for intermediation services provided for transactions in the first sector (col. 4, lines 46-64). Thus, the descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Claim 188. Gould discloses, The method of claim 187, further comprising the step of: offering information for sale to parties conducting transactions in the second sector, the information being information captured in the course of providing intermediation services in the first sector, the offer being under a prearranged pricing schedule providing reductions in the price of the information as fees increase for

Art Unit: 3696

intermediation services provided for transactions in the first sector (col. 7, line 50-col. 8, line 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 189-193, 208, 217, and 224 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,966,700) Gould et al, hereafter Gould view of (US 5,966,699) Zandi.

Claims 189 and 224 . Gould failed to disclose, wherein: the predetermined pricing schedule provides that transaction fees paid by a party for intermediation of transactions in the second sector are to be credited against access by the party to research information describing the financial products. Zandi discloses, wherein: the predetermined pricing schedule provides that transaction fees paid by a party for intermediation of transactions in the second sector are to be credited against access by the party to research information describing the financial products (col. 6, lines 1-59 and col. 7, line 62-col. 8, line 65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a predetermined pricing schedule that provides transaction fees paid by a party for intermediation of transactions in the

second sector that are to be credited against access by the party to research information describing the financial products and to modify in Gould because such a modification would allow Gould to have the ability to know the best price to charge for transaction fees.

Claims 190, 208, and 217. Gould failed to disclose, wherein the financial products are loans or lines of credit to consumers. Zandi discloses, wherein the financial products are loans or lines of credit to consumers (col. 9, lines 49-54 (loans)).

Claim 191. Gould failed to disclose, The method of claim 190, wherein the loans are home mortgages. Zandi teaches, wherein the loans are home mortgages (col. 9, lines 49-54 (mortgages)).

Claim 192. Gould failed to disclose, The method of claim 190, wherein the loans are automobile loans. Zandi teaches, wherein the loans are automobile loans (col. 9, lines 49-54 (car loans)).

Claim 193. Gould failed to disclose, The method of claim 190, wherein the loans are personal loans. Zandi teaches, wherein the loans are personal loans (col. 9, lines 49-54 (personal loans)).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have financial products that are loans or lines of credit to consumers wherein the loans are home mortgages, automobile loans, and personal loans and to modify in Gould because such a modification would allow Gould to auction different types of loans, such as, but not limited to, mortgage, home equity loan, car loan, personal loan, commercial loan, construction loan and general business loan.

Claims 194-200, 202, 205-207, 209, 211, 214, 216, 218-223, 226-238, 240, 242-251, 299, 300, and 307-309 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,966,700) Gould et al, hereafter Gould view of (US 5,966,699) Zandi and further in view of (US 5,940,812) Tengel et al, hereafter Tengel.

Claims 194 and 235. Gould and Zandi failed to disclose, wherein the first sector is a retail origination market for the loans or lines of credit, and the second sector is a wholesale secondary market on which the loans or lines of credit are traded. Tengel discloses, wherein the first sector is a retail origination market for the loans or lines of credit, and the second sector is a wholesale secondary market on which the loans or lines of credit are traded (col. 4, lines 46-64).

Claims 195, 198, 216, 237, and 242. Gould and Zandi failed to disclose, further comprising the steps of: obtaining from a loan applicant information relating to the qualifications of the loan applicant relative to underwriting standards of a lender for origination of a loan and storing the obtained information in a database for future disclosure to other market participants. Tengel discloses, further comprising the steps of: obtaining from a loan applicant information relating to the qualifications of the loan applicant relative to underwriting standards of a lender for origination of a loan (col. 5, line 12 –col. 6, line 61); and storing the obtained information in a database for future disclosure to other market participants (col. 5, lines 12-19 and col. 7, lines 6-19).

As per claim 198, Gould discloses, matching the information against underwriting standards of a plurality of lenders (col. 6, lines 10-67).

Claim 242. Gould and Zandi failed to disclose, hardware and/or software designed match the applicants information against underwriting standards of a plurality of offerors, and to identify to the applicant, from among those offerors having underwriting standards that the applicant meets, an indicium of the identity of the offeror that has the best combination of low interest rate and fees. Tengel further discloses, hardware and/or software designed match the applicants information against underwriting standards of a plurality of offerors, and to identify to the applicant, from among those offerors having underwriting standards that the applicant meets, an indicium of the identity of the offeror that has the best combination of low interest rate and fees (col. 9, lines 32-65 and fig. 6).

Claims 196 and 236. Gould and Zandi failed to disclose, further comprising the steps of: storing in the database loan applicants' information at the time of completion of a loan application, before the loan is closed between a loan applicant and a lender. Tengel discloses, further comprising the steps of: storing in the database loan applicants' information at the time of completion of a loan application, before the loan is closed between a loan applicant and a lender (col. 6, line 42-col. 7, line 38).

Claim 197. Gould and Zandi failed to disclose, The method of claim 195, further comprising the step of: updating the database to reflect the terms of a loan closed between the loan applicant and a lender. Tengel discloses, The method of claim 195, further comprising the step of: updating the database to reflect the terms of a loan closed between the loan applicant and a lender (col. 8, lines 19-27).

Claims 199, 216, 219, 221, 222, and 238. Gould and Zandi failed to disclose, further comprising the step of: identifying to the loan applicant, from among those lenders having underwriting standards that the loan applicant meets, an indicium of the identity of the lender that has the best combination of low interest rate and fees. Tengel disclose, further comprising the step of: identifying to the loan applicant, from among those lenders having underwriting standards that the loan applicant meets, an indicium of the identity of the lender that has the best combination of low interest rate and fees (col. 7, lines 50-67).

Claim 222. Gould and Zandi failed to disclose, hardware and/or software designed to match the applicant's information against offering underwriting standards of a plurality of offerors, and to identify to the applicant, from among those offerors having offering underwriting standards that the applicant meets, an indicium of the identity of the offeror that has the best combination of low interest rate and fees. Tengel further discloses, hardware and/or software designed to match the applicant's information against offering underwriting standards of a plurality of offerors, and to identify to the applicant, from among those offerors having offering underwriting standards that the applicant meets, an indicium of the identity of the offeror that has the best combination of low interest rate and fees (col. 8, lines 1-18).

Claim 200. Tengel teaches, The method of claim 198, further comprising the step of: identifying to the loan applicant, from among those lenders having underwriting standards satisfied by the loan applicant, a list of alternative lenders prioritized by low interest rate and fees (col. 9, lines 32-65 and fig. 6).

Claims 202, 220, and 240. Gould failed to disclose, wherein the credits expire if not redeemed within a specified time period. Zandi teaches, wherein the credits expire if not redeemed within a specified time period (col. 10, lines 3-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the credits expire if not redeemed within a specified time period and to modify in Gould because such a modification would allow Gould to have the credits maintained in the database for a predetermined period of time and if the offeror accepts the bid (credit) the auction is closed.

Claims 205, 207, and 223. Gould and Zandi failed to disclose, further comprising the steps of : offering information for sale to market participants in the second sector, the information being information captured in the course of providing intermediation services in the first sector. Tengel discloses, further comprising the steps of : offering information for sale to market participants in the second sector, the information being information captured in the course of providing intermediation services in the first sector (col. 7, lines 50-67).

Claim 206. Gould and Zandi failed to disclose, The method of claim 205, further comprising the step of: structuring a pricing schedule for the sale of the information wherein the credits are applicable to reduce the cost of the information. Tengel discloses, The method of claim 205, further comprising the step of: structuring a pricing schedule for the sale of the information wherein the credits are applicable to reduce the cost of the information (col. 7, line 50-col. 8, line 27).

Claim 209. Gould failed to disclose, The method of claim 187, wherein the financial products are commercial loans. Zandi discloses, the financial products are commercial loans (col. 9, lines 49-54 (commercial loans)).

Claim 211. Zandi, Gould and Tengel failed to disclose, The method of claim 210, wherein the first market sector is origination of insurance, and the second sector is reinsurance of existing insurance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first market sector to be the origination of insurance, and the second sector to be reinsurance of existing insurance and to modify in Gould because such a modification would allow Gould to be concerned about risks and to share the risks among insurance companies.

Claim 214. Gould and Zandi failed to disclose, wherein: the predetermined pricing schedule provides for reduced pricing for access by a party to research information describing the financial products, the price reduction based on increased transaction volume achieved by the party over an agreed time period. Tengel discloses, The computer of claim 213, wherein: the predetermined pricing schedule provides for reduced pricing for access by a party to research information describing the financial products, the price reduction based on increased transaction volume achieved by the party over an agreed time period (col. 7, lines 50-67).

Claim 218. Tengel teaches, The computer of claim 216, further comprising: hardware and/or software designed to receive the application information essentially contemporaneously with the completion of applications for the financial products; and

an interface designed to make the database available to parties on a secondary market for the financial products (col. 7, lines 4-8 and col. 8, lines 37-49).

Claims 226 and 244. Gould and Zandi failed to disclose, wherein: the second sector is a secondary market for buying and selling of the financial products; and a predetermined pricing schedule for intermediation services provides that transaction fees paid by a party for intermediation of transactions in the first sector are to be credited against fees payable by the party for intermediation of transactions in the second sector. Tengel discloses, wherein: the second sector is a secondary market for buying and selling of the financial products; and a predetermined pricing schedule for intermediation services provides that transaction fees paid by a party for intermediation of transactions in the first sector are to be credited against fees payable by the party for intermediation of transactions in the second sector. (col. 5, lines 52-62).

Claim 227. this dependent claim is rejected for the similar rationale as given above for claims 194, 199, and 219.

Claim 228. this dependent claim is rejected for the similar rationale as given above for claims 196 and 197.

Claims 231 and 248. Gould and Zandi failed to disclose, wherein: the information includes a lowest interest rate offered by any lender to a loan applicant meeting a profile specified by the party purchasing the information. Tengel teaches, wherein: the information includes a lowest interest rate offered by any lender to a loan applicant meeting a profile specified by the party purchasing the information (col. 7, lines 50-65).

Claims 232 and 249. Gould and Zandi failed to disclose, The method of claim 230, wherein: the information includes a volume of loan applications meeting a profile specified by the party purchasing the information. Tengel discloses, The method of claim 230, wherein: the information includes a volume of loan applications meeting a profile specified by the party purchasing the information (col. 8, lines 19-49).

Claims 233 and 250. Gould and Zandi failed to disclose, wherein: the information includes a statistical characterization of loans closed, the loans meeting a profile specified by the party purchasing the information. Tengel teaches, wherein: the information includes a statistical characterization of loans closed, the loans meeting a profile specified by the party purchasing the information (col. 5, lines 20-62).

Claims 234 and 251. Gould and Zandi failed to disclose, wherein: the information includes a statistical characterization of loan pools traded, the pools meeting a profile specified by the party purchasing the information. Tengel teaches, wherein: the information includes a statistical characterization of loan pools traded, the pools meeting a profile specified by the party purchasing the information (col. 5, lines 52-62).

Claim 247. this dependent claim is rejected for the similar rationale as given above for claims 189, 214, and 226.

Claim 299. this dependent claim is rejected for the similar rationale as given above for claims 235, 244, 245, and 247.

Claim 300. this dependent claim is rejected for the similar rationale as given above for claims 199, 216, 218, 219, 226, and 243.

Claims 307, 308, and 309, Gould discloses, wherein the first sector is origination of insurance (col. 6, lines 53-67).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fraser et al (US 5,995,947) disclosed mortgage and loan information with a loan profile database.

Cullen et al (US 6,272,528) disclosed loans and mortgages and delivering financial information.

Lebda et al (US 6,385,594) disclosed co-ordinating a loan over the Internet.

Asay et el (US 5,903,882) disclosed an electronic transaction system, insurers, and sponsors.

Response to Arguments With Traverse

Applicant's election with traverse of the election of claims 187-200, 202, 205-209, 211, 213, 214, 216-238, 240-251, 299, 300, and 307-309 in the reply filed 12/18/07 is acknowledged. The traversal is on the ground(s) that claims 304, 305, and 306 were previously added and correspond substantially to claims 187, 213, and 241 and claim 304 is similar in scope to method claim 187, claim 305 is similar in scope to apparatus claim 213, claim 306 is similar in scope to apparatus claim 241, claims 307-309 were previously added in the last amendment and claims 310 and 311 were previously added and are similar to claims 187 and 188. This is not found to be persuasive because claims 187-200, 202, 205-209, 211, 213, 214, 216-238, 240-251, 299, 300, and 307-309

are method and apparatus claims for providing intermediation services and claims 304-306 and 310-312 are method and apparatus claims for providing transaction services with the services comprising at least one lending/loan trading, offering lines of credit/lines of credit trading and insurance/reinsurance. The same search for claims 187-200, 202, 205-209, 211, 213, 214, 216-238, 240-251, 299, 300, and 307-309 is not required for claims 304-306 and 310-312. This creates a serious burden on the Examiner when the claim limitations are so different that the search is in a different class and/or subclass.

The requirement is still deemed proper and is therefore made FINAL. MPEP Section 8.25.

MPEP 8.05. Claims stand withdrawn with Traverse.

Claims 304-306 and 310-312 are withdrawn from consideration pursuant to 37 CFR 1.142 (b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/18/07.

Conclusion: It is respectfully requested Applicant look at the claims in the already patented invention, patent number 6,594,635 and write the claims to this application in the same format and claim structure in order to move the application forward to issuance.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
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